

**UNITED STATES DISTRICT COURT  
District of Maine**

<b>JAMES CRUZ,</b>	)	
	)	
<b>Movant</b>	)	
	)	
<b>v.</b>	)	<b>2:96-cr-00076-GZS-1</b>
	)	<b>2:00-cv-00119-GZS</b>
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent</b>	)	
	)	

**ORDER AFFIRMING THE  
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on July 6, 2012, her Recommended Decision (ECF No. 175). Movant filed his Objection to the Recommended Decision (ECF No. 176) on July 30, 2012.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.

2. It is **ORDERED** that Movant's 28 U.S.C. § 2255 motion to reopen (ECF No. 174) is **DISMISSED WITHOUT PREJUDICE**.
3. It is **ORDERED** that no certificate of appealability shall issue in the event Movant files a Notice of Appeal.

/s/George Z. Singal

U.S. District Judge

Dated this 20th day of August, 2012.